

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD AGEE, JR., an individual, et al

Plaintiffs,

vs.

Case No. 22-cv-00272-PLM-RMK-JTN

Hon. Paul L. Maloney

Magistrate Judge: Sally J. Berens

JOCELYN BENSON, in her official capacity  
as the Secretary of State of Michigan, et al,

Defendants.

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**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE COMMON CAUSE AND  
PROFESSOR JON X. EGUIA IN SUPPORT OF NEITHER PARTY**

Amici Curiae Common Cause and Jon X. Eguia, in support of their Motion for Leave to  
file a Brief in Support of Neither Party, state as follows:

1. *Amicus* Common Cause is a nonprofit and nonpartisan organization with a chapter in Michigan. Common Cause's voting rights mission includes decades of advocacy in support of fair, transparent, and nonpartisan redistricting. As a leading proponent of independent redistricting commissions, Common Cause has an interest in ensuring that redistricting reforms are implemented effectively in ways that empower communities and adhere to the Voting Rights Act.
2. *Amicus* Jon X. Eguia is a Professor of Economics and (by courtesy) of Political Science at Michigan State University. He is the lead author of the Report on the 2021 Michigan Redistricting Map Analysis published by the Institute of Public Policy and Social Research at Michigan State University. As a scholar who studied these maps and whose work is cited in the Plaintiffs' complaint, he has an interest in the Court's

assessment of the Michigan Independent Citizens Commission's work. Professor Eguia's scholarship on redistricting has been published in the peer-reviewed Election Law Journal.

3. *Amici* respectfully seek this Court's leave to submit the brief attached as Exhibit A in support of neither party.
4. "[T]he decision to allow an appearance as amicus curiae falls under the district court's inherent authority." *Kollaritsch v. Michigan State Univ. Bd. of Trustees*, No. 1:15 Civ. 1191, 2017 WL 11454764, at \*1 (W.D. Mich. Oct. 30, 2017) (Maloney, J.) (citation omitted).
5. The proposed amicus brief takes no position on the ultimate disposition of this case. Its function is to provide a unique statistical perspective from a leading proponent of independent citizen redistricting commissions and an academic whose work is cited by the plaintiffs in this case. *Amici* seek to demonstrate that further scrutiny of the Michigan Senate map is warranted. For that reason, the proposed brief is in support of neither party.
6. Granting *amici*'s motion for leave to file this brief would not cause any delay or prejudice to the parties.
7. *Amici* counsel contacted counsel for all parties and they concurred in this motion. For these reasons, *amici* respectfully request that they be granted leave to file the attached Brief of Amici Curiae Common Cause and Professor Jon X. Eguia in Support of Neither Party. Exhibit A.

Respectfully submitted,

Frank & Frank Law

By: /s/ Jonathan B. Frank

Jonathan B. Frank (P42656)

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Dated: August 26, 2022

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served upon the attorneys of record of all parties in the above cause by serving same to them via electronic mail on August 26, 2022 via:

X Electronic Service

   First Class Mail

   Hand Delivery

   Overnight Mail

/s/ Amy Zielinski

Amy Zielinski